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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,941	05/22/2001	Mark Flood	01AB077	9740

7590 03/19/2008
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EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 09/862,941</p>	<p>Applicant(s) FLOOD ET AL.</p>	
	<p>Examiner KYUNG H. SHIN</p>	<p>Art Unit 2143</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 3-53.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154

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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 2/27/2008 have been fully considered but they are not persuasive.

- . The 112 rejection has been withdrawn because of persuasive argument in remarks.

Yamanaka and Voth combination discloses a synchronization master that is configurable as per claim limitation. (see Yamanaka Figure 3A; Figure 3B; col. 1, lines 15-22; col. 2, lines 29-37; Figure 3A; col. 5, lines 5-9: configurable to operate as a master; Figure 3B; col. 5, lines 12-18: configurable to operate as a slave) In addition, Voth discloses that a synchronization apparatus can be configured as a master or as a slave.

Voth discloses a time synchronization system utilizing UNIX type system. The dedicated processor utilized within the time synchronization system is loaded only with the required operating system features. The communications network utilized is a very high speed capable network and the communications speeds in the communications network are within the invention's specification. Therefore, these features (i.e. high speed communications, operating system loaded only with required features) make the prior art disclosure of the invention possible and operable. (see Voth col. 4, lines 19-21: high speed network)

Applicant's invention discloses that a message is transmitted every 50ps which is a fixed time period. Voth discloses that the update period is performed at a regular or periodic fixed time period which can be equal to 50ps or some other time period a fixed time period for the transmission of messages. (see Voth col. 4, lines 43-54: update period is performed at a regular or periodic fixed time period which can be equal to 50us or some other time period). In addition, Voth discloses a least common multiple (LCM) or update cycle period. (see Voth col. 4, lines 43-54: "...use a repeating update cycle...Update cycle...includes an initial calculation...scheduling period...a time . adjustment period." Applicant's specification status on page 13 at lines 20-26 that "...600ms is exemplary., other LCM periods fall within the scope of the present invention..." Thus, LCM is equal to periodic update cycle.)

Examiner is not changing the claim language. The claimed limitation is for a message transmission frequency based on a fixed time interval. Voth discloses a fixed time interval for message transmission.

Voth discloses that two systems or nodes are time synchronized. (see Voth col. 4, lines 17-27) A second UNIX type time synchronization system configured as above discloses the second controller (i.e. a separate system in its own chassis). A time synchronization apparatus has as its basis a time parameter which is principally the current time value for a computer system within a particular time zone. Voth discloses a time synchronization apparatus operational within a distributed computer systems operational over the Internet (a global interconnected network with multiple time zones).

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KHS 3/14/2008